

533 Rec'd PCT/PTO 03 JUL 2000 PCT

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

600 CONGRESS AVENUE, SUITE 2400

AUSTIN, TEXAS 78701

TELEPHONE: 512/418-3000  
FACSIMILE: 512/474-7577

MARK B. WILSON  
PARTNER

INTERNET ADDRESS:  
MWILSON@FULBRIGHT.COM

DIRECT DIAL: 512/418-3035



HOUSTON  
WASHINGTON, D.C.  
AUSTIN  
SAN ANTONIO  
DALLAS  
NEW YORK  
LOS ANGELES  
MINNEAPOLIS  
LONDON  
HONG KONG

June 30, 2000

FILE: ARCD:333--1

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:	
June 30, 2000 Date	 Mark B. Wilson

Assistant Commissioner for Patents  
Washington, DC 20231

RE: SN 09/381,750 "PROMOTER FOR SMOOTH MUSCLE CELL EXPRESSION" –  
Michael S. Parmacek and Julian Solway

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449 and references (B1-B6 and C1-C5).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10008078/MBW.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Mark B. Wilson  
Reg. No. 37,259

MBW/mar

Encl: As noted



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael S. Parmacek

Julian Solway

Serial No.: 09/381,750

Filed: September 22, 1999

For: PROMOTER FOR SMOOTH MUSCLE  
CELL EXPRESSION

Group Art Unit: Unknown

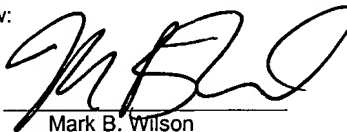
Examiner: Unknown

Atty. Dkt. No.: ARCD:333--1/MBW

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:

June 30, 2000  
Date

  
Mark B. Wilson

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

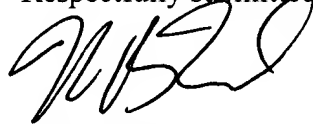
In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10008078/MBW.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

Fulbright & Jaworski L.L.P  
600 Congress Ave., Suite 2400  
Austin, Texas 78701  
(512) 418-3000

Date: June 30, 2000

Form PTO-1449 (modified)

Atty. Docket No.

Serial No.

ARCD:333—1/MBW

09/381,750

List of Patents and Publications for Applicant's

Applicant

Michael S. Parmacek and Julian Solway

INFORMATION DISCLOSURE STATEMENT

Filing Date:

Group:

September 22, 1999

Unknown

(Use several sheets if necessary)

U.S. Patent Documents

Foreign Patent Documents

Other Art

See Page 1

See Page 1

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	666270 A2	7/2/95	Europe			
	B2	WO 94/11506	5/26/94	PCT			
	B3	WO 94/13824	6/23/94	PCT			Abstract
	B4	WO 96/26742	9/6/96	PCT			
	B5	WO 97/35974	10/2/97	PCT			Abstract
	B6	WO 96/00006	1/4/96	PCT			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Chang <i>et al.</i> , "Cytostatic gene therapy for vascular proliferative disorders with a constitutively active form of the retinoblastoma gene product," <i>Science</i> , 267:518-522, 1995.
	C2	Kemp <i>et al.</i> , "Cloning and analysis of the promoter region of the rat SM22 alpha gene," ABSTRACT, <i>Biochem. J.</i> , 310:1037-1043, 1995.
	C3	Li <i>et al.</i> , "Expression of the SM22 alpha promoter in transgenic mice provides evidence for distinct transcriptional regulatory programs in vascular and visceral smooth muscle cells," <i>J. Cell Bio.</i> , 132(5):849-859, 1996.
	C4	Moessler <i>et al.</i> , "The SM22 promoter directs tissue-specific expression in arterial but not venous or visceral smooth muscle cells in transgenic mice," <i>Development</i> , 122:2415-2425, 1996.
	C5	Solway <i>et al.</i> , "Structure and expression of a smooth muscle cell-specific gene, SM22 alpha," ABSTRACT, <i>J. Biol. Chem.</i> , 270(22):13460-13469, 1995.

245070.1 Examiner:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.